

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

FEDERAL DEPOSIT INSURANCE  
CORPORATION, as receiver for the  
BANK OF WHITMAN,

Plaintiff,

v.

SMI GROUP, XV, LLC, a Washington  
limited liability company, et al.,

Defendants.

NO: CV-12-5056-RMP

ORDER GRANTING MOTION FOR  
PROTECTIVE ORDER

**ORDER**

**BEFORE** the Court is the parties' Motion for Protective Order, ECF No. 29.

The Court has reviewed the parties' attached Stipulation Regarding Confidential Information, which has been jointly submitted by counsel for all parties in this action. However, as the public maintains an interest in the public nature of these proceedings independent of the interests of the parties, the parties may not by agreement provide that court records are sealed by default. *See Kamakana v. City*

1 *and County of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006). Instead, a party  
2 seeking to file information marked as confidential under the proposed protective  
3 order shall file a public motion to seal. Accordingly, **IT IS HEREBY ORDERED**  
that the parties' motion for protective order, **ECF No. 29**, is **GRANTED**.

4 Documents, materials, and information designated as Confidential Matter  
5 pursuant to this Order may be disclosed in regular proceedings of this Court and/or  
6 by agreement of the attorneys. However, exhibits marked "Confidential Matter" or  
7 "Confidential" shall be:

- 8 a) filed in ECF under seal as a proposed sealed document  
9 accompanied by a publicly filed motion to seal;
- 10 b) designated as an exhibit containing confidential material subject  
11 to the Court's Protective Order; and
- 12 c) a copy of the exhibit that is to be sealed shall be promptly  
13 served upon opposing counsel in accordance with Rule 5 (email  
14 to ECF registered account complies with requirement).

15 For good cause shown, the Court hereby orders that all Confidential Matter  
16 (in document form or any other form) produced during discovery in the

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1 above-captioned action, Case No. CV-12-5056-RMP shall be disclosed and  
2 protected as provided above.

3 The District Court Clerk is direct to enter this Order and provide copies to  
4 counsel.

5 DATED this 5th day of March 2013.

6  
7 s/ Rosanna Malouf Peterson  
8 ROSANNA MALOUF PETERSON  
9 Chief United States District Court Judge  
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